

Class Guide

Lesson 12 - How does the Constitution limit the powers of our government?

Name: _____

Which branch of government do you think the Framers of the Constitution wanted to be the most powerful?

Step 1 – Bell Work – Critical Thinking Exercise. *Imagine you were tasked to create a class government. How would you organize it? It would need the following powers: (1) Legislative Powers to make rules, (2) Executive Powers to enforce rules, and (3) Judicial Powers to settle disputes. Jot your thoughts below on what your class government would look like:*

Based on your discussion on the creating of a class government. Think about the questions below.

Suppose you decide to give all the powers of the class government to one group of students. What would be the advantages and disadvantages of doing this?	Suppose you decide to give all the powers to three different groups of students. You divide the powers of your government among them. What would be the advantages and disadvantages of doing this?
Advantages:	Advantages:
Disadvantages:	Disadvantages:

Step 2 – Vocabulary Work. Complete the vocabulary work necessary to understand this lesson. The vocabulary should be completed first. Terms to know:

<i>Balancing Powers</i>	<i>Branches</i>	<i>Checking Powers</i>	<i>Executive Powers</i>
<i>Judicial Powers</i>	<i>Legislative Powers</i>	<i>Separation of Powers</i>	<i>United States Supreme Court</i>

Step 3 – Interactive Lecture. Answer the questions during the class discussion.

<p>WHAT IDEAS DID THE FRAMERS USE TO LIMIT THE POWER OF GOVERNMENT?</p> <p>FRAMERS ORGANIZED NATIONAL GOVERNMENT TO HAVE ITS POWERS LIMITED IN THREE BRANCHES</p> <ul style="list-style-type: none"> • LEGISLATIVE BRANCH. CONGRESS. TWO HOUSES: SENATE AND HOUSE OF REPRESENTATIVES • EXECUTIVE BRANCH. CARRY OUT AND ENFORCE THE LAWS MADE BY CONGRESS. PRESIDENT HEADS BRANCH. • JUDICIAL BRANCH. SETTLE DISPUTES OF THE MEANING OF LAWS. UNITED STATE SUPREME COURT IS THE HIGHEST COURT IN THE LAND 	<p>Why do you think Congress is divided into two houses instead of having one house like in the Articles of Confederation?</p>
<p>WHAT ELSE DID THE FRAMERS DO TO LIMIT THE POWER OF GOVERNMENT?</p> <p>FRAMERS KNEW GOVERNMENTS OFTEN GAINED TOO MUCH POWER. WHEN THEY DO:</p> <ul style="list-style-type: none"> • THE PEOPLE'S RIGHTS ARE VIOLATED • GOVERNMENT STOPS WORKING FOR THE COMMON GOOD 	<p>Why do you think that as governments increase power that they may stop working for the Common Good?</p>
<p>WHAT ELSE DID THE FRAMERS DO TO LIMIT THE POWER OF GOVERNMENT?</p> <ul style="list-style-type: none"> • FRAMERS SEPARATED AND BALANCED THE POWERS AMONG DIFFERENT BRANCHES • EACH BRANCH HAD SOME POWER TO CHECK ANOTHER BRANCH • FRAMERS KNEW FROM HISTORY THAT CONSTITUTIONAL GOVERNMENTS ARE OFTEN DIVIDED 	<p>Which government do you think you think the Framers feared the most becoming too powerful?</p>
<p>WHAT ELSE DID THE FRAMERS DO TO LIMIT THE POWER OF GOVERNMENT?</p> <ul style="list-style-type: none"> • SEPARATION OF POWERS MEANS TO DIVIDE THE POWER OF GOVERNMENT AMONG ITS BRANCHES • FRAMERS ALSO KNEW THAT THE POWERS HAD TO BE BALANCED OTHERWISE ONE BRANCH COULD OVERPOWER THE OTHERS • BALANCING POWERS PREVENTS ONE BRANCH BECOMING ABUSIVE 	<p>Are there times when one branch needs to become more powerful for the sake of the country?</p>

Step 4 – Checks and Balances Assignment.

Read “Checks and Balances in the US Constitution”

Complete the graphic organizer with the information from the reading.

Checks and Balances in the US Constitution

Executive Branch

The Executive Branch (President) can check the power of the Legislative Branch (Congress) through its ability to veto proposed laws. The President can also propose laws; however, Congress does not have to accept the proposal. The President can also call Congress into session to take up matters important to the President. In addition, the President can also negotiate foreign treaties.

In addition, the Executive Branch can also check the power of the Judicial branch (United States Supreme Court) through its powers to appoint federal judges. The President can also grant federal pardons to federal offenders.

Legislative Branch

The Legislative Branch (Congress) can check the power of the Executive Branch (President) through its power to override a Presidential veto of laws. Congress also must confirm key Presidential appointments. Also, while the President can negotiate treaties, Congress must ratify the treaty before it becomes law. Congress is the only branch that can declare war despite the President's power as the Commander-in-Chief. Congress is the only branch that can appropriate money at the Federal level. In addition, Congress can impeach (bring charges) and vote to remove the President from office.

Congress can also check the power of the Judicial Branch (Supreme Court) through its power to create the lower federal courts. In addition, Congress has the power to impeach and remove federal judges from office. Congress can also propose amendments to the Constitution to overrule judicial decisions. Lastly, Congress has the power to approve appointments of federal judges.

Judicial Branch

The Judicial Branch (Supreme Court) has the power to check the Executive Branch (President) through its ability to declare the actions of the President unconstitutional. In 1952 this was done in the Youngstown Sheet and Tube Company versus Sawyer Supreme Court case.

The Supreme Court has the power to declare acts of the Legislative Branch (Congress) as unconstitutional. This was seen in the Supreme Court case of The Stolen Valor Act of 2005.

Checks and Balances

Executive Branch (President)	Legislative Branch Checks	Judicial Branch Checks
Legislative Branch (Congress)	Executive Branch Checks	Judicial Branch Checks
Judicial Branch (Supreme Court)	Executive Branch Check	Legislative Branch Checks